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PATENT PRACTICE  
DIVISION

Attorney Docket No. 208.6164

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

20 NOV 20 2004

In re: Gao et al.  
Serial No.: 10/040,047  
Filed: February 1, 2002  
For: *Positive Electrode Active Materials for Secondary Batteries and Methods of Preparing Same*

Group Art Unit: 1745  
Examiner: Kalafut, Stephen J.

Date: November 24, 2004

Mail Stop 16  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**REQUEST FOR REFUND OF FEE  
UNDER 37 C.F.R. §1.26**

Sir:

Applicants respectfully submit this Request for Refund of Fees pursuant to 37 C.F.R. §1.26 in the amount of \$352.00.

On June 16, 2004, Applicants file an Amendment Transmittal Cover Sheet, Amendment, and a check in the amount of \$258.00 to cover the additional three independent claims (5 were previously paid for). The cover sheet indicated the highest number of total claims previously paid for was 98 and the highest number of independent claims previously paid for was 5. Therefore a check in the amount of \$258.00 (copy enclosed) was submitted to cover the additional three independent claims.

Deposit Account 50-0220 was charged on October 21, 2004 in the amount of \$352.00 for additional claims. Please see highlighted entry on enclosed Deposit Account Statement. Applicants submit that this charge was made in error as the Amendment filed on October 14, 2004 did not indicate any additional claims and therefore did not need an Amendment Transmittal Cover Sheet as there were no additional claims. The number of claims were the same as the previous filing on June 16, 2004. See the copy of the Transmittal Cover Sheet filed June 16, 2004. The Cover Sheet filed on June 16, 2004 indicated the total claims to be 98 total claims and 8 independent claims. A check in the amount of \$258.00 (copy enclosed) was enclosed with the Amendment filed on June 16, 2004 to cover the additional claims.

Applicants submit that there are only 8 independent claims and (0) zero multiple dependent claims. Applicants submit that this charge was made in error as the filing fee for additional

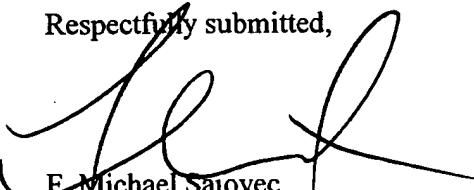
Adjustment date: 01/12/2005 EEKUBAYI  
10/21/2004 CQUEEN 00000001 500220 10040047  
01 FC:1201 352.00 CR

In re: Gao et al.  
Serial No.: 10/040,047  
Filed: February 1, 2002  
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claims were previously paid. Accordingly, please credit our Deposit Account No. 50-0220 in the amount of \$352.00 to refund this overpayment of fees.

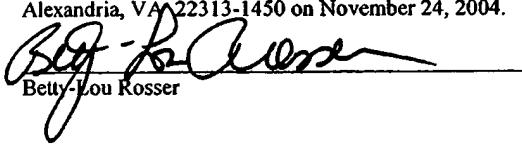
Respectfully submitted,

  
E. Michael Sajovec  
Registration No. 31,793

**Customer No. 20792**  
Myers Bigel Sibley & Sajovec, P.A.  
P. O. Box 37428  
Raleigh, North Carolina 27627  
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**Certificate of Mailing under 37 CFR 1.8**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop 16, Director of the US Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450 on November 24, 2004.

  
Betty-Lou Rosser

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Attorney Docket No. 208.6164

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Gao et al.  
 Serial No.: 10/040,047 Group Art Unit: 1745  
 Filed: February 1, 2002 Examiner: Kalafut, Stephen J.  
 For: *Positive Electrode Active Materials for Secondary Batteries and Methods of Preparing Same*

Date: June 16, 2004

Mail Stop Amendment  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

**COPY**

Sir:

Transmitted herewith is an AMENDMENT in the above-identified patent application.

- Applicant claims small entity status. See 37 CFR §1.27.  
 No additional fee is required.  
 The fee has been calculated as shown below:

(COL. 1)		(COL. 2)	(COL. 3)	SMALL ENTITY		OTHER THAN A SMALL ENTITY	
	Claims Remaining After Amendment	Highest Number Previously Paid For	Present Extra	RATE	ADDIT. FEE	OR RATE	ADDIT. FEE
Total	80 -	98	= 0	x 09=	\$	x 18=	\$0
Indep	8 -	5	= 3	x 43=	\$	x 86=	\$258.00
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM				+145=	\$	+290=	\$
				Total Add. Fee \$		OR Total	\$258.00

- \* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.  
 \*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 20, write "20" in this space.  
 \*\*\* If the "Highest Number Previously Paid For" IN THIS SPACE is less than 3, write "3" in this space. The "Highest Number Previously Paid For" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior Amendment or the number of claims originally filed.

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Attorney Docket No.:  
Application No.:  
Filed:  
Page 2

- Please charge my Deposit Account No. 50-0220 in the amount of \$\_\_\_\_ for \_\_\_\_.
- A check in the amount \$258.00 to cover fees is enclosed.
- The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 50-0220.
- Any additional filing fees required under 37 C.F.R. § 1.16 for the presentation of extra claims.
- Any patent application processing fees under 37 C.F.R. § 1.17.

Respectfully submitted,



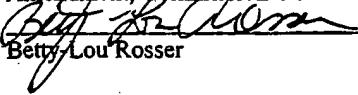
Devin R. Jensen  
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**COPY**

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**CERTIFICATE OF EXPRESS MAILING**

"Express Mail" mailing label number: EV472540553US Date of Deposit: June 16, 2004  
I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

  
Betty-Lou Rosser



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Trademark Office**

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2005

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**Deposit Account Statement**

**Requested Statement Month:** October 2004  
**Deposit Account Number:** 500220  
**Name:** MYERS BIGEL SIBLEY & SAJOVEC, P.A.  
**Attention:** ACCOUNTING DEPT  
**Address:** P O BOX 37428  
**City:** RALEIGH  
**State:** NC  
**Zip:** 27627

DATE SEQ	POSTING REF	ATTORNEY DOCKET NBR	FEE CODE	AMT	BAL
10/01 1	PCT/US04/29480	5051.646.WO	1703	\$12.00	\$54,878.00
10/01 3	09525797	5218-39B	1814	\$110.00	\$54,768.00
10/01 6	PCT/US04/29480		9204	-\$700.00	\$55,468.00
10/01 9	60589735	942223PR	8021	\$40.00	\$55,428.00
10/01 10	60579593	9342208PR	8021	\$40.00	\$55,388.00
10/01 13	60583899	9342-215PR	8021	\$40.00	\$55,348.00
10/01 22	10425328		8021	\$40.00	\$55,308.00
10/01 180	78094261	9341.17	7004	\$300.00	\$55,008.00
10/01 519	09866357		8021	\$40.00	\$54,968.00
10/01 522	10848531	9070-15	8021	\$40.00	\$54,928.00
10/01 545	10127401	94572	8021	\$40.00	\$54,888.00
10/01 557	60528799	208-6173PR	8021	\$40.00	\$54,848.00
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10/01 820	60514727	9336.15PR	8021	\$40.00	\$54,768.00
10/01 821	60514671		8021	\$40.00	\$54,728.00
10/01 822	60514733		8021	\$40.00	\$54,688.00
10/01 823	60514727		8021	\$40.00	\$54,648.00
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10/01 826	60514727	9336.13PR	8021	\$40.00	\$54,528.00
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10/01 851	60514671	933613PR933614PF933615PR	8021	\$40.00	\$54,208.00
10/01 852	60514733	933613PR933614PF933615PR	8021	\$40.00	\$54,168.00
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10/01 858	10895666	56491323	8021	\$40.00	\$54,088.00

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## Deposit Account Statement

10/04 72	10953438	5649-1374	1202	\$18.00	\$54,070.00
10/04 82	10297570	9286.12	9204	-\$720.00	\$54,790.00
10/04 83	10297570	9286.12	1617	-\$130.00	\$54,920.00
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10/04 161	10881022	5646-105	1202	\$18.00	\$54,835.00
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10/04 453	PCT/US04/32047	5405.313.WO	1703	\$468.00	\$54,175.00
10/04 454	PCT/US04/32047	5405.313.WO	8007	\$40.00	\$54,135.00
10/05 1	10449640	5649-1116	1806	\$180.00	\$53,955.00
10/05 57	09764613	5577-218	1202	\$36.00	\$53,919.00
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10/07 289	60587754	9342-221PR	8021	\$40.00	\$48,596.00
10/07 1377	78114222	5175.144	7004	\$150.00	\$48,446.00

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## Deposit Account Statement

10/08 6	10859621	5347-222	1051	\$130.00	\$48,316.00
10/08 121	60605484		8021	\$40.00	\$48,276.00
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10/13 293	10909655	5670-38	8021	\$40.00	\$46,956.00
10/13 376	1301714	5031.134	7205	\$100.00	\$46,856.00
10/13 377	1301714	5031.134	7201	\$400.00	\$46,456.00
10/13 383	PCT/US04/33037	9237.10.WO	1601	\$300.00	\$46,156.00
10/13 384	PCT/US04/33037	9237.10.WO	1602	\$1,000.00	\$45,156.00
10/13 385	PCT/US04/33037	9237.10.WO	1701	\$1,053.00	\$44,103.00
10/13 386	PCT/US04/33037	9237.10.WO	1703	\$1,332.00	\$42,771.00
10/13 387	PCT/US04/33037	9237.10.WO	8007	\$20.00	\$42,751.00
10/13 502	75762675	5031-201	7004	\$150.00	\$42,601.00
10/14 85	10750710	9438-2	8021	\$40.00	\$42,561.00
10/14 89	10912938	5646-141	8021	\$40.00	\$42,521.00
10/14 161	10626680	9341-22	1503	\$20.00	\$42,501.00
10/14 234	10661975	998-934	8001	\$30.00	\$42,471.00
10/14 256	60601063	5470-348PR	8021	\$40.00	\$42,431.00
10/14 291	10758165	5051-661	8021	\$40.00	\$42,391.00
10/15 2	09862798	A1801010	2254	\$265.00	\$42,126.00
10/15 2	10696158	998-926	1202	\$360.00	\$41,766.00
10/15 3	10696158	998-926	1201	\$258.00	\$41,508.00
10/15 5	29193578	9008-45DS	8001	\$30.00	\$41,478.00
10/15 10	78100167	9052-103	8521	\$40.00	\$41,438.00
10/15 11	78100167	9052-103	8522	\$50.00	\$41,388.00
10/15 12	10410569	5646-58	1504	-\$270.00	\$41,658.00
10/15 14	10410569		9204	-\$30.00	\$41,688.00
10/15 94	10963147	9488-2	1201	\$26.00	\$41,662.00
10/15 100	10963252	9488-3	1201	\$22.00	\$41,640.00
10/15 347	10196649	521899	8021	\$40.00	\$41,600.00
10/15 1082	10909669	5576-168	8021	\$40.00	\$41,560.00
10/15 1313	78500488	9452-5	7001	\$670.00	\$40,890.00
10/18 13	10328124	5458-300	1253	\$30.00	\$40,860.00
10/18 50	10794786	5470-388	8021	\$40.00	\$40,820.00

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## Deposit Account Statement

			START BALANCE	SUM OF CHARGES	SUM OF REPLENISH	END BALANCE	
10/18 51	10845045		\$54,890.00	\$23,405.00		\$35,842.00	
10/18 305	78500720	9056-10			8021	\$40.00	\$40,780.00
10/18 703	10814553	5649-1293			7001	\$335.00	\$40,445.00
10/18 1194	10726768				8021	\$40.00	\$40,405.00
10/20 2	09759739	8194-443			8021	\$40.00	\$40,365.00
10/20 3	10458865	MBADROSA			1201	\$258.00	\$40,107.00
10/20 4	10458865	MBADROSA			1201	\$86.00	\$40,021.00
10/20 244	10872692	5218-109			1202	\$216.00	\$39,805.00
					8021	\$40.00	\$39,765.00
	10/21 10040047	30208.240386			1201	\$352.00	\$39,413.00
10/21 30	10432748				9204	-\$837.00	\$40,250.00
10/21 51	10966723	5470-353IP			1202	\$314.00	\$39,936.00
10/21 53	10966723	5470-353IP			1201	\$88.00	\$39,848.00
10/21 54	10966723	5470-353IP			1203	\$300.00	\$39,548.00
10/21 57	10967697				9204	-\$220.00	\$39,768.00
10/21 147	10967735	5051.478IPDV			1001	\$790.00	\$38,978.00
10/21 171	10967835	5649-874DV			1202	\$72.00	\$38,906.00
10/21 296	10916901				8021	\$40.00	\$38,866.00
10/21 297	10501365	9303-30			8021	\$40.00	\$38,826.00
10/21 495	10880919				8021	\$40.00	\$38,786.00
10/21 570	60598975				8021	\$40.00	\$38,746.00
10/21 593	60572164	9301-114PR			8021	\$40.00	\$38,706.00
10/22 55	1094190	9489.1			8521	\$40.00	\$38,666.00
10/22 56	1094190	9489.1			8522	\$125.00	\$38,541.00
10/22 83	10012116	5649-907			1501	\$40.00	\$38,501.00
10/22 87	10054540	5649-926			1501	\$40.00	\$38,461.00
10/22 90	60620263	9151-47PR			2005	\$80.00	\$38,381.00
10/22 254	60600587	9342-226PR			8021	\$40.00	\$38,341.00
10/22 255	10625133	9159-4			8021	\$40.00	\$38,301.00
10/22 269	60587753				8021	\$40.00	\$38,261.00
10/22 321	10296096	5405-243			8021	\$40.00	\$38,221.00
10/25 4	PCT/US04/33037	9237.10.WO			1703	\$48.00	\$38,173.00
10/25 100	PCT/US04/34717	5470.403.WO			8007	\$12.00	\$38,161.00
10/25 111	78055567	998-854			7004	\$150.00	\$38,011.00
10/25 346	09005580	027575085			2501	\$20.00	\$37,991.00
10/26 10	09970367	5051.587			2251	\$55.00	\$37,936.00
10/26 36	10970630	9400-108			1001	\$790.00	\$37,146.00
10/26 37	10970630	9400-108			1202	\$558.00	\$36,588.00
10/26 38	10970630	9400-108			1201	\$176.00	\$36,412.00
10/26 45	10676232	5649-1146			1460	\$130.00	\$36,282.00
10/26 58	09529172				8011	\$55.00	\$36,227.00
10/26 60	09529172				8011	\$55.00	\$36,172.00
10/26 61	09529172				8024	\$40.00	\$36,132.00
10/26 142	78045876	998-802			7003	\$100.00	\$36,032.00
10/26 346	10881814	5308-457			8021	\$40.00	\$35,992.00
10/26 896	78176629	5031-211			7004	\$150.00	\$35,842.00



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<p><b>MYERS BIGEL SIBLEY &amp; SAJOVEC, P.A.</b>  <b>PATENT LAWYERS</b>            Operating Account            SUITE 600, 4140 PARKLAKE AVENUE, RALEIGH, NC 27612            PO Box 37428, RALEIGH, NC 27627</p> <p><b>PAY TO THE ORDER OF</b> Honorable Commissioner</p>	<p><b>BB&amp;T</b>            Branch Banking and Trust Company            200 EAST CHATHAM STREET            CARY, NC 27511</p> <p>66-112/531            DATE            CHECK NO.            AMOUNT</p> <p>06/16/04        509073 ****\$258.00</p> <p>*** TWO HUNDRED FIFTY-EIGHT &amp; 00/100 DOLLARS</p> <p>VOID AFTER 90 DAYS</p> <p><i>[Signature]</i>            AUTHORIZED SIGNATURE</p>	<b>509073</b>
--	---	---------------

SETNAME:cdrom  
 Account:5196567684  
 CheckAmt:258  
 SerialNum:509073  
 PostDate:20040623  
 ItemSeqNu:21382506  
 ProcDate:06/23/2004  
 TrRoutNum:0  
 TracerNum:102  
 TransCode:0

PATENT AND TRADEMARK OFFICE  
 13-10-0001  
 06-21-2004  
 FOR CREDIT TO THE  
 U.S. TREASURY

#4124  
 PK1063  
 06/23/04  
 2100662506

11:12:51

5197 37867

0310000114  
 WACHOVIA NA SVC0713641T  
 PHILA, PA 06223004 28K  
 1010646368

SETNAME:cdrom  
 Account:5196567684  
 CheckAmt:258  
 SerialNum:509073  
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